

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NEIL JASON WILLIAMS,

**Petitioner,**

v.

**Civil Action No. 2:06cv124**

THOMAS McBRIDE, Warden,

**Respondent.**

**ORDER**

It will be recalled that on March 12, 2007, Magistrate Judge Kaull filed a Report and Recommendation, wherein the parties were directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. No objections were filed.

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues raised by the Petitioner in his Motion for Default Judgment, wherein Petitioner asserts that Respondent's reasons for requesting an enlargement of time to answer to his Petition, filed pursuant to 28 U.S.C. §2254, are frivolous, lack good faith and irrelevant, were thoroughly considered by Magistrate Judge Kaull in his Report and Recommendation. Moreover, the Court, upon an independent de novo consideration of all matters now before it, is of the opinion that the Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court on Petitioner's Motion for Default Judgment. The Court further finds that the Magistrate Judge properly granted Respondent's request for an enlargement of time by Order of March 1, 2007, which order moots Plaintiff's Motion for Default. Therefore, it is

ORDERED that Magistrate Judge Kaull's Report and Recommendation be, and the same hereby is, accepted in whole. Accordingly, it is

ORDERED that Petitioner's Motion for Default Judgment shall be, and the same hereby is, **DENIED**.

ENTER: November 19<sup>th</sup>, 2007

  
United States District Judge